

Senate Resolution 246

By: Senators Wiles of the 37th, Smith of the 52nd, Johnson of the 1st and Williams of the 19th

ADOPTED

A RESOLUTION

Creating the Joint Study Committee on Indigent Defense; and for other purposes.

WHEREAS, the representation of those indigent persons charged with crimes in this state is important to ensure that such individuals are treated fairly and are afforded all of the rights guaranteed to them by the United States and Georgia Constitutions; and

WHEREAS, the provision of indigent defense services is an issue which the General Assembly has addressed on numerous occasions in the past and has attempted several different delivery methods with varying degrees of success; and

WHEREAS, most recently, the General Assembly created the Georgia Public Defender Standards Council and established state funded, circuit-wide public defenders for the state with the intent that such programs would provide an efficient, appropriate, and cost-effective service delivery model for indigent defense services; and

WHEREAS, in the short time that this program has been in existence, it is already experiencing significant budgetary shortfalls, placing the entire program in peril; and

WHEREAS, significant reforms are needed to ensure the economic viability of indigent defense services in this state to meet the obligations of the state in this area; and

WHEREAS, the General Assembly needs to study these issues to determine the causes for the budgetary shortfalls in the present service delivery model and whether the present model is best for the state or whether a more efficient system can be devised to more economically protect the rights of indigents charged with crimes in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that there is created the Joint Study Committee on Indigent Defense to be

composed of 16 members. Six members shall be appointed by the Lieutenant Governor. Four members appointed by the Lieutenant Governor shall be members of the Senate. The Lieutenant Governor shall designate one of the members of the Senate to serve as cochairperson of the committee. One member appointed by the Lieutenant Governor shall be an attorney in this state with significant experience in criminal defense matters and one member shall be a county commission chairperson in this state. Six members shall be appointed by the Speaker of the House of Representatives, four of whom shall be members of the House of Representatives. The Speaker shall designate one of the members from the House of Representatives to serve as cochairperson of the committee. One member appointed by the Speaker shall be an attorney in this state with significant experience in criminal defense matters and one shall be a county commission chairperson in this state. One member shall be a district attorney appointed by the Prosecuting Attorneys' Council of the State of Georgia. Two members shall be superior court judges appointed by the executive committee of The Council of Superior Court Judges. One member shall be the chairperson of the Georgia Public Defender Standards Council. The cochairpersons shall call all meetings of the committee.

BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any actions or legislation that the committee deems necessary or appropriate. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution. The legislative members of the committee shall receive the allowances authorized for legislative members of interim legislative committees but shall receive the same for not more than five days unless additional days are authorized. The attorneys, the county commission chairperson, the district attorneys, and the superior court judges shall not receive any compensation for their service on the committee but shall be reimbursed for their actual expenses incurred in serving on the committee. The funds necessary to carry out the provisions of this resolution shall come from the funds appropriated to the House of Representatives and the Senate. In the event that the committee makes a report of its findings and recommendations with suggestions for proposed legislation, if any, such report shall be made on or before the convening of the 2008 session of the General Assembly, at which time the committee shall stand abolished.